

APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. Y/SK-SKT/3

<u>Applicants</u>	: Wisdom Glory Limited and Salechoice Properties Limited represented by Vision Planning Consultants Limited
<u>Application Site</u>	: Various Lots in D.D. 221 and Adjoining Government Land, Sha Ha, Sai Kung, New Territories
<u>Site Area</u>	: About 13,230m ² (including about 1,989m ² of government land (about 15%))
<u>Lease</u>	: (a) Lots No. 51 s.A & RP and Lots No. 52 s.A, s.B, s.C, s.D, s.E & RP in D.D. 221: Old New Grant (land grant documents cannot be traced) (b) Remaining Lots: Old Schedule Agricultural Lots held under Block Government Lease
<u>Plan</u>	: Approved Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/6
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Proposed Amendment</u>	: To rezone the application site from “V” to “Residential (Group B)6” (“R(B)”6)

1. The Proposal

- 1.1 The applicants propose to rezone the application site (the Site) (**Plan Z-1**) from “V” to “R(B)6” with a maximum plot ratio (PR) of 1.3, a maximum site coverage (SC) of 40% and a maximum building height (BH) of 7 storeys (excluding basements) to facilitate a residential development. In addition, a requirement for provision of a public vehicle park (PVP) with 35 parking spaces at the Site and to be disregarded from PR/SC/gross floor area (GFA) calculations, is proposed in the Notes for the proposed “R(B)6” sub-zone. A set of revised Notes for the “R(B)” zone proposed by the applicants incorporating provisions for the proposed “R(B)6” sub-zone is attached at **Appendix IV**¹.
- 1.2 The applicants have submitted an indicative scheme to support the proposed rezoning for residential development. The indicative scheme comprises 24 three-storey detached/semi-detached houses and two seven-storey residential towers

¹ The proposed Column 1 and Column 2 uses are identical to those under “R(B)” zone of the OZP.

(excluding 1-storey basement) and one non-domestic block for clubhouse purpose (**Drawings Z-2 to Z-6**). The major development parameters of the indicative scheme of the proposed development are summarised as follows:

Site Area (about)	13,230m ²
GFA (about)	17,198m ² Note 1
Max. PR	1.3
Max. SC	40%
No. of Blocks	27
● Detached Houses	14
● Semi-Detached Houses	10
● Residential Towers	2
● Clubhouse	1
Max. BH (excluding 1 storey of basement)	
● Houses	3 storeys (21.6mPD)
● Residential Towers	7 storeys (34.6mPD)
● Clubhouse	2 storeys (18.1mPD)
No. of Units	154 (14 in detached houses, 20 in semi-detached houses and 120 in residential towers)
Private Open Space (not less than)	490m ²
No. of Car Parking Spaces	159 Note 2
● Private Car	112
● Visitor Parking	10
● Motorcycle	2
● PVP	35
No. of Loading/ Unloading (L/UL) Spaces	
● Heavy Goods Vehicle	2

Note 1: Clubhouse floor area of about 765m² and PVP of 35 spaces are proposed to be exempted from GFA/PR/SC calculations.

Note 2: Including three disabled car parking spaces of which two for residential use and one for public use.

- 1.3 According to the indicative scheme, the proposed residential development is accessible from Sha Ha Road. The boundary wall is proposed to be set back at the northern and western edges of the Site to allow peripheral planting, and green roofs are proposed. The proposed felling of 13 trees will be compensated by the planting of 117 new trees. To enhance local wind permeability and to provide areas for landscape treatment and recreational purposes, the ground floors of the residential

towers are proposed for covered landscaped areas and lift lobbies only. A building gap of 15m is also proposed between the two residential towers (**Drawings Z-4, Z-5, Z-8 and Z-9**). The applicants propose to incorporate the requirements on stepped BH profile and building separation in the Explanatory Statement (ES) of the OZP (**Appendix IVa**).

- 1.4 A major portion of the Site is situated within the Sha Ha Site of Archaeological Interest (SHSAI) where important archaeological remains of the Neolithic period, Bronze Age, Ming and Qing dynasties were yielded. The applicants propose to amend the ES of the OZP by specifying that a detailed archaeological survey and archaeological investigation should be submitted before building plan submission and no site formation or construction works should be allowed without prior consent from the Antiquities and Monuments Office (AMO) (**Appendix IVa**).
- 1.5 The applicants have submitted technical assessments for the indicative scheme, which include Tree Preservation and Landscape Proposal, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA), Environmental Noise Impact Assessment (NIA), Environmental Air Quality Impact Assessment (AQIA), Water Supplies Impact Assessment (WSIA) and Visual Impact Assessment (VIA).
- 1.6 In support of the application, the applicants have submitted the following documents:
 - (a) Application form with Supplementary Information (**Appendix I**) received on 30.12.2020
 - (b) Further Information (FI) received on 26.1.2022 (**Appendix Ia**) providing a consolidated supplementary planning statement (SPS) which supersedes all previous supplementary information and FI submissions² and the original SPS (accepted and exempted from publication and recounting requirements)
- 1.7 Land status plan, master layout plan, floor plans, sections, elevations, landscape master plans, landscape section, photomontages (with a location plan showing selected viewpoints) and bird's-eyes view of the indicative scheme submitted by the applicants are shown at **Drawings Z-1 to Z-15**.
- 1.8 On 26.11.2021, the Committee agreed to defer making a decision on the application for one month, as requested by the applicants, to allow time for preparation of FI to address departmental comments. After deferral, the applicant submitted FI on 29.11.2021, 12.1.2022 and 26.1.2022, and the application was originally scheduled for 18.2.2022 for consideration. In view of the situation of COVID-19 and the latest special work arrangement for government departments announced by the

² A total of eight previous FI submissions (received on 12.3.2021*, 22.4.2021*, 23.6.2021*, 14.7.2021*, 28.7.2021*, 9.9.2021*, 29.11.2021# and 12.1.2022#) have been received to respond to departmental comments and to revise relevant technical assessments, of which six submissions (marked with *) were accepted but not exempted from publication and recounting requirements and two submissions (marked with #) were accepted and exempted from publication and recounting requirements.

Government, the Board agreed to adjourn the consideration of the application. The application is now scheduled for consideration by the Committee at this Meeting.

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in Section 5 of the SPS at **Appendix Ia**. They can be summarised as follows:

- (a) the Site, which has been designated for village type development for over 20 years, is considered suitable for residential development from land use planning perspective without causing any land use compatibility problems;
- (b) the Site has been underutilised for years and no Small House application has ever been submitted to the Lands Department (LandsD). This clearly shows that it is not attractive for Small House development due to its location and/or other reasons. An alternative land use should be considered to avoid wastage of land resources. Local representatives have rendered support for the current proposal (Appendix X of Annex A in **Appendix Ia**). The current proposal would not lead to a shortage of land for Small House development locally;
- (c) the proposed scheme represents a well-planned development taking into account all site planning considerations which are not required to be taken into account in normal Small House developments, e.g. development intensity, sewerage, drainage, water quality, noise mitigation measures, landscape proposal, building setback and provision of internal transport facilities in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG). There is no layout plan to guide Small House development in this part of the “V” zone. It is not uncommon that this kind of “free hand” development will end up in a disorderly development pattern and result in problems which have severe impacts on the entire local environment. The current proposal would enhance the general physical environment of the area;
- (d) the proposed BH ranging from 2 to 7 storeys is in harmony with the surrounding planned and existing developments. By arranging the 7-storey towers to the southwestern portion of the Site, a descending BH profile in the area is formed;
- (e) approval of the current application would represent a positive response to the Policy Address and the Long Term Housing Strategy by providing high-quality private housing supply to meet the needs of the community;
- (f) in the Policy Address 2020, the Chief Executive stresses her intention to develop Hong Kong into an international innovation and technology hub – the Site’s proximity to the Hong Kong University of Science and Technology and its surrounding environments are very attractive to local and foreign talents and their families;
- (g) proximity to seaside has limited the extent of excavation of basement and the proposed car parking layout has fully utilised the basement floor for car parking spaces. The provision of 35-space PVP is a much-needed community facility and would share the pressing demand for car parking spaces in anticipation of more visitors in the area; and

- (h) the results of TIA, SIA, DIA, NIA, AQIA, WSIA and VIA have demonstrated that the proposed development would not result in any significant adverse impacts and would not be subject to unacceptable noise and air quality problems.

3. Compliance with the Owner's "Consent/Notification" Requirement

The applicants are two of the "current land owners". In respect of the other "current land owners", the applicants have complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing notices in local newspapers and posting notice in a prominent position on or near the Site. Detailed information would be deposited at the meeting for Members' inspection. The "owner's consent/notification" requirements are not applicable to the government land within the Site.

4. Background

- 4.1 The subject "V" zone was first designated under the Sai Kung Town North Planning Area 4 Layout Plan No. L/SK-T4/1, a departmental plan, which was adopted on 9.2.1999, with the intention to reserve suitable land for future village expansion and for possible resite of houses which may be affected by road improvement projects. This "V" zone was subsequently incorporated in the Sai Kung Town Outline Development Plan No. D/SK-T/2 adopted on 10.12.2003 and the draft Sai Kung Town OZP No. S/SK-SKT/1 gazetted on 4.3.2005. There has been no change to the subject "V" zone since the gazettal of the first OZP.
- 4.2 Based on the latest estimate by the Planning Department, about 1.41 ha (equivalent to 56 Small House sites) are available within the "V" zones in Sha Ha, amongst which 1.31 ha (about 93%, equivalent to 52 Small House sites) fall within the Site.

5. Previous Application

There is no previous s.12A nor s.16 planning application covering the Site.

6. Similar Application

There is no similar application involving rezoning from "V" to other residential zonings on the OZP.

7. The Site and its Surrounding Areas (Plans Z-1, Z-2a and Z-2b, Aerial Photo on Plan Z-3 and Site Photos on Z-4a to 4c)

7.1 The Site is:

- (a) located at the northeastern fringe of Sai Kung Town about 550m from the town centre;

- (b) accessible from Sha Ha Road to its south, and Sha Ha Path and a local track from the north;
- (c) mainly occupied by temporary carparks and temporary structures;
- (d) falling within SHSAI; and
- (e) mostly within the ‘village environs’ (‘VE’) of Sha Ha.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are village houses within areas zoned “V”. To the further north is a hotel (New Beach Resort Hotel) within the “Other Specified Uses” annotated “Commercial and Tourism Related Uses (Including Hotel) (2)” zone subject to a maximum BH of 5 storeys (excluding basements), a maximum PR of 1.5 and a maximum SC of 70%. To the northwest across Tai Mong Tsai Road on a slope are low-rise, low-density residential developments namely Burlingame Garden and Hunlicar Garden which are subject to a maximum BH of 9m and 2 storeys over 1 storey of carport;
- (b) to the immediate east lies a strip of land zoned “Other Specified Uses” annotated “Beach Related Leisure Uses” subject to a maximum BH of 2 storeys (excluding basements) and a maximum PR of 0.2, which is occupied by permanent and temporary structures mainly for eating place and water sports equipment rental uses. To the further east is the non-gazetted Sha Ha Beach which is zoned “Open Space”;
- (c) to the south across Sha Ha Road is WM Hotel within the “Other Specified Use” annotated “Commercial and Tourism Related Uses (Including Hotel) (1)” zone subject to a maximum BH of 3 storeys (excluding basements), a maximum PR of 1.5 and a maximum SC of 30%. To the further southwest is ‘Hong Kong Academy’ which is zoned “Government, Institution or Community(4)” and subject to a maximum BH of 5 storeys; and
- (d) to the west across Wai Man Road is a piece of land zoned “Comprehensive Development Area (1)” (“CDA(1)”) currently partly used for storage of construction materials. It is subject to a maximum PR of 1.5 and a maximum BH of 8 storeys. A planning application (No. A/SK-SKT/28) for comprehensive residential development with minor relaxation of BH restriction from 8 storeys to 10 storeys was approved with conditions by the Committee on 14.1.2022.

8. **Planning Intention**

The “V” zone is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the applications and public comments are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Sai Kung, LandsD (DLO/SK, LandsD):

Land status

- (a) according to the information provided, the Site comprises a total of 246 private lots and adjoining government land with a total site area of about 13,230m², among which the site area of adjoining government land accounts for about 1,989m² (**Drawing Z-1**). His office cannot verify the respective site area of the Site and the government land involved at this stage. The applicants should make sure that the site area quoted in the planning submission is correct;
- (b) the Site includes some unleased and unallocated government land and encroaches into the land held under a Short Term Tenancy (“STT”) running on a quarterly basis granted to a third party not related to the applicants. As there is no guarantee that the encroached area of this STT could be made available for the subject development, the applicants may consider excising the encroached area from the Site. Besides, the inclusion of adjoining government land into the Site is not acceptable unless approval or consent is obtained from the Government. However, there is no guarantee that such application will be approved by the Government. Such application, if eventually approved, will be subject to such terms and conditions including payment of premium and an administrative fee as the Government considers appropriate at its discretion;
- (c) according to his records, most of the concerned private lots, save for Lots No. 51 s.A & RP and Lots No. 52 s.A, s.B, s.C, s.D, s.E & RP in D.D. 221, are Old Schedule agricultural lots held under Block Government Lease. In addition, Lots No. 51 s.A & RP and Lots No. 52 s.A, s.B, s.C, s.D, s.E & RP in D.D. 221 were held under Old New Grant. However, the land grant document cannot be traced either by his office or at the Land Registry;

Small House development

- (d) the Site is situated within the ‘VE’ of Sha Ha. Land within ‘VE’ of recognized village is primarily preserved for applicants with indigenous villager status to apply for Small House development under the Small House Policy. Non-Small House Policy land exchanges would not normally be entertained within defined ‘VE’ for recognized villages in the New Territories;
- (e) the 10-year Small House demand forecast in Sha Ha advised by the Indigenous Inhabitants Representative as at 6.1.2014 is 11. This figure

has not been verified by his office and no further updated figure is available at the moment;

- (f) there were 34 Small House applications within the Site (**Plan Z-2b**). Among which, 22 were withdrawn, and 12 were approved but their grant documents have not yet been executed. As the land ownership of the 12 approved applications has been changed, they would not be further processed. The approvals are no longer valid;
- (g) within “V” zone in Sha Ha but outside the Site, there is one outstanding Small House application. There are also four approved Small House applications with grant documents executed but not yet completed (**Plan Z-2b**);
- (h) there are no outstanding cross-village applications for Small House development submitted by indigenous villagers of Sai Kung Heung in Sha Ha;

Archaeological aspect

- (i) the Site falls within the limits of SHSAI (**Plan Z-2a**). It is noted that the Site has very high archaeological potential. AMO commented that the archaeological survey provided for the application should not be limited to desktop review of archaeological surveys in the past, and the applicants should continue seeking comment of AMO prior to any development. Without knowing the full knowledge of the scale and disposition of the antiquities and heritage, it is almost impossible to examine the viability of the proposed development scheme. Moreover, AMO’s comments on the findings of the Archaeological Survey and Archaeological Investigation (ASAT) would have profound impact on the design, disposition and intensity of the resultant development. It is premature to establish the development perimeters and parameters for the proposed zone;
- (j) to protect the Government from the allegation of derogation from grant, it is desirable for the applicants to complete the detailed ASAT and come up with a realistic development perimeters and parameters before the Board makes a decision on the subject application. Consideration may be given to including the proposed residential development as a Column 2 use so that approval condition could be imposed upon s.16 application;
- (k) even after the ASAT was completed by the applicants, relevant terms and conditions may still be incorporated into the land document, if the land exchange application is eventually approved, to suit the particular case upon the request and/or advice from AMO; and

Others

- (l) if the subject application is approved by the Board, the lot owners shall apply to his office for a land exchange to effect the proposal. However, there is no guarantee that any land exchange application, with or without government land involved, would be approved by the Government.

Such land exchange application, if eventually approved, would be subject to such terms and conditions including the payment of a premium and an administrative fee as the Government considers appropriate at its sole discretion.

Archaeological and Heritage Aspects

9.1.2 Comments of the Executive Secretary (Antiquities and Monuments), AMO (ES(AM), AMO):

- (a) the Site falls within SHSAI which was discovered in 1996 (**Plan Z-2a**), and subsequently surveyed by her office in 1998 yielding important archaeological remains of the Neolithic period, Bronze Age, Ming and Qing dynasties and with the boundary of the SAI demarcated. The boundary was later revised after the rescue excavation for a road construction project from 2001 to 2002. In 2005, a brief archaeological investigation on the Site was conducted in which rich archaeological relics were unearthed. As such, it is confirmed that the Site has very high archaeological potentials;
- (b) archaeological issues, including but not limited to desktop review of archaeological surveys in the past for evaluating the archaeological potential, the impact of archaeology and proposed mitigation measures on SHSAI, if any, should be addressed in details in the submission supplemented by engineering proposal on preservation of the SHSAI for her comment. The applicants should be required to conduct an archaeological impact assessment and submit the findings along with the planning application for her agreement; and
- (c) it is noticed that should the application be approved, buildings up to 7 storeys with basements could be built on site, but there is no recommended measures in the application to duly protect the SAI. In view of the archaeological significance of the Site, and the lack of recommended protective measures by the applicants, she objects in-principle to the rezoning proposal.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) no comment on the TIA submitted and no objection to the PVP proposed; and
- (b) no in-principle objection to the application subject to timely implementation of the Hiram's Highway Improvement Stage 2 (HH2) project prior to the population intake of the proposed development.

9.1.4 Comments of the Chief Highway Engineer/New Territories East, HyD (CHE/NTE, HyD):

- (a) according to his record, HyD is responsible for maintenance of Sha Ha Road and the existing footpath adjacent to the western boundary of the

Site (running in parallel to Wai Man Road before making a turn to the northeast) (**Plans Z-2a and Z-2b**); and

- (b) HyD would not be responsible for maintenance of the proposed PVP.

9.1.5 Comments of the Chief Engineer 5/Major Works, Major Works Project Management Office, Highways Department (CE5/MW, MWPMO, HyD):

- (a) the Site is outside the site boundary of the HH2 project. As such, no interface issue between the Site and the HH2 project is anticipated; and
- (b) the HH2 project was authorised in October 2021. The detailed design is targeted to commence in the first half of 2022. The programme for completion of the HH2 project is currently under review.

Environment

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) according to the submission, it is noted that the applicants will implement appropriate noise mitigation measures to comply with the HKPSG traffic noise criteria, such as acoustic window and acoustic balcony. Sufficient buffer distances will be provided between proposed air sensitive receivers and nearby roads, i.e. Wai Man Road and Tai Mong Tsai Road, in compliance with HKPSG. The sewage from the proposed development will be discharged into the existing public sewerage system. The applicants also committed to conducting a site re-appraisal prior to development of the Site. With the provision of the proposed mitigation measures, there is no adverse impacts on air quality, noise, sewerage and land contamination from the proposed development at the Site; and
- (b) based on the above, there is no in-principle objection to the rezoning proposal provided that the applicants are required to submit a NIA and implement the noise mitigation measures identified therein to meet HKPSG requirements to her satisfaction. Relevant NIA clause should be incorporated in land title document for future implementation of noise mitigation measures/development layout of the proposed development.

Urban Design, Architectural, Visual and Air Ventilation Aspects

9.1.7 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) according to the submission, the indicative scheme has incorporated some good design measures, including setbacks, building gap, stepped BH profile, vertical green wall, peripheral tree planting, green roofs, and façade treatment. The proposed development, if developed according to the indicative scheme, is considered not incompatible with the general character of the area, taking into account the existing/committed developments;

- (b) while the applicants have proposed to amend the ES of the OZP as detailed in paragraph 1.3 above, it is uncertain whether there would be sufficient statutory control over the implementation of these proposed design measures under the proposed “R(B)6” zone, especially the stepped height profile with the low-rise houses along the seaside; and
- (c) based on the submission, most of the building blocks are 3 storeys (21.6mPD) except a 2-storey clubhouse and the two 7-storey residential towers (all excluding 1 storey of basement). A 15m-wide building separation is provided between the two towers. In view of the above, the proposed rezoning from “V” to “R(B)6” is not anticipated to cause significant impact on the surrounding pedestrian wind environment.

9.1.8 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

- (a) it is noted that the indicative scheme mainly consists of 34 houses (3 storeys) and two residential towers (7 storeys) (all excluding 1 storey of basement). The residential towers are positioned farther away from the existing village type developments. There is no comment on the indicative scheme; and
- (b) it is noted that certain amount of the Site is on government land. As there is uncertainty that these areas could be integrated into the proposed development package, the feasibility of the development proposal may be doubtful.

Landscape

9.1.9 Comments of the CTP/UD&L, PlanD:

- (a) the Site is situated in an area of miscellaneous urban fringe landscape character, dominated by residential, institutional building and tree groups. The proposed use is considered not entirely incompatible with the surrounding landscape setting;
- (b) existing trees are observed at the periphery of the Site. With reference to the submission, 13 existing trees of common species within the Site are in conflict with the proposed development and are proposed to be felled. 117 of trees in heavy standard size and appropriate landscape provisions, including screen planting along the northern and western boundary of the Site, creeping plant along the boundary wall, green roof, lawn area, sitting-out area, children play area, etc., are proposed. In view that adequate landscape treatments are proposed within the development to improve the overall landscape quality, there is no objection to the application from landscape planning perspective; and
- (c) the applicants should be reminded that approval of the s.12A application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under lease. The applicants should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.

Nature Conservation

9.1.10 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the Site has been vacant with young self-grown vegetation. There is no strong view on the application from nature conservation perspective.

Drainage and Sewerage

9.1.11 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) no comment on the revised DIA; and
- (b) no comment on the revised SIA subject to the view and agreement of DEP as the planning authority of sewerage infrastructure.

Water Supplies

9.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application; and
- (b) the WSIA shows that the total water demand of originally planned village development is 221.92m³/day. From the waterworks supply planning point of view, there is no adverse comment on the application provided that the total water demand arising from the proposed development shall not exceed the demand of the originally planned village development as mentioned.

Building Matters

9.1.13 Comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2 & Rail, BD):

- (a) no comment on the application under the Buildings Ordinance (BO);
- (b) no in-principle objection to favourably consider disregarding the area of the underground public car parks from GFA calculation provided that the structural ceiling soffit of the car park is at or below the mean level of that portion of the street on which the Site abuts, all car parking spaces to be disregarded from GFA calculation are Electric Vehicle charging-enabling and compliance with requirements specified in PNAP APP-2 and PNAP APP-111; and
- (c) other detailed comments are at **Appendix II**.

Fire Safety

9.1.14 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to his satisfaction;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority; and
- (c) the Emergency Vehicular Access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the BD.

Risk Aspect

9.1.15 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) there is a high pressure underground town gas transmission pipelines (running along Wai Man Road and Tai Mong Tsai Road) in the vicinity of the proposed development. It is anticipated that the proposed development will result in a significant increase in population in the vicinity of the abovementioned gas installation. A risk assessment would be required from the project proponent of the Site to assess the potential risks associated with the gas installation, having considered the proposed development at the Site; and
- (b) his advisory comments are at **Appendix II**.

District Officer's Comments

9.1.16 Comments of the District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD):

- (a) no comment on the application;
- (b) there are no facilities maintained by his office at the Site and no works on projects by his office will be affected by the application;
- (c) that said, it is anticipated that the local community will be overwhelmingly against the proposed development, citing potential concerns including blockage of scenery/ visual impact, flooding risk caused by construction works, *fung shui* concerns, ventilation and traffic impacts; and
- (d) it is trusted that the Board will take into account the concerns/ objections received during the public inspection periods and impose suitable mitigation measures as appropriate if the application is approved.

9.2 The following government departments have no objection to/no comment on the application:

- (a) Chief Engineer (Works), HAD;

- (b) Project Manager (East), East Development Office, Civil Engineering and Development Department (PM(E), EDO, CEDD); and
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

10. Public Comments Received During Statutory Publication Period

- 10.1 The application and FI were published for public inspection on 15.1.2021, 19.3.2021, 30.4.2021, 2.7.2021, 23.7.2021, 6.8.2021 and 17.9.2021. During the first three weeks of the public inspection periods, a total of 1,612 public comments were received, including 1,255 (of which 220 are in the format of standard letters) supporting the application from villagers of Sha Ha and individuals, 13 providing comments from individuals, and 344 (of which 13 are in the format of standard letters and 235 submissions are enclosed in one petition) opposing the application from Green Sense, Designing Hong Kong Limited, Sai Kung Planning Concern Front, then Members of Sai Kung District Council, the owners of nearby residential development, Hong Kong and China Gas Co. Ltd. (Towngas) and individuals. A full set of public comments received is deposited at the Board's Secretariat for Members' inspection and samples of the public comments are at **Appendix III**.
- 10.2 The major grounds of supporting the application are summarised below:
- (a) making good use of the vacant land for housing supply;
 - (b) the Site is not suitable for village type development as the Site has been left underutilised for years, villagers no longer own the land, and there is no Small House demand;
 - (c) the well-planned and well-managed residential development would improve the surrounding environment;
 - (d) good urban design elements and landscape treatment in the proposal;
 - (e) alleviating the lack of parking spaces and illegal parking in the locality;
 - (f) boosting local economy, tourism and employment; and
 - (g) generating government revenue by way of land premium.
- 10.3 The major grounds of objection and concerns in the application are summarised below:
- (a) setting an undesirable precedent for other applications to rezone "V" to other uses;
 - (b) the Site is suitable for village expansion to accommodate Small House demand in Sai Kung;
 - (c) no pressing demand for luxurious residential properties in Sai Kung;
 - (d) encroachment of the Site onto government land is against public interest;
 - (e) the proposed PVP is insufficient to solve the parking problem in Sai Kung;
 - (f) inducing unacceptable traffic impact and exacerbating illegal parking issue;
 - (g) the proposed BH is not in line with stepped height BH profile and the proposed development intensity is excessive which causes adverse visual impact;
 - (h) adverse air ventilation impact on the surrounding area;
 - (i) overcrowding Sai Kung Town and the facilities in the area;
 - (j) rezoning the Site for tourism and/or recreational uses is more beneficial to the community;
 - (k) insufficient/ageing infrastructure in Sai Kung Town to cope with the development;
 - (l) the development would cause and be subject to environmental issues; and

- (m) potential conflict with a strategic high pressure town gas trunk main, and a quantitative risk assessment should be conducted for evaluating the potential risk associated with the trunk main.
- 10.4 The 13 commenters who did not indicate their stance on the application generally opine that more community facilities should be provided in Sai Kung and the transportation network should be enhanced by railway extension to Sai Kung.

11. Planning Considerations and Assessments

- 11.1 The applicants propose to rezone the Site from “V” to “R(B)6” with a maximum PR of 1.3, a maximum SC of 40% and a maximum BH of 7 storeys (excluding basements), to facilitate a residential development. The proposed set of Notes for the “R(B)” zone with proposed amendments for the Remarks to incorporate development restrictions of the “R(B)6” sub-zone is attached at **Appendix IV**. The proposed Column 1 and Column 2 uses are identical to those under the OZP currently in force. The ES of the OZP is proposed to be revised to incorporate various guidance on urban design and archaeological preservation aspects (**Appendix IVa**). The Site is currently used for temporary carparks and structures.

Planning Intention

- 11.2 The planning intention of the “V” zone is primarily for reflecting existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. The Site adjoins the cluster of village houses of the recognized village of Sha Ha. The applicants claim that the Site is not attractive for Small House development and claim that no Small House applications have ever been submitted in the Site. However, DLO/SK, LandsD advises that according to his records, there have been applications for Small House developments within ‘VE’ of Sha Ha, including approved applications within the Site which are no longer valid due to change of land ownership (**Plan Z-2b**). The Indigenous Inhabitants Representative of Sha Ha advised DLO/SK, LandsD that the 10-year Small House demand forecast was 11 as at 2014. As such, there is certain demand for Small House developments in the area and hence the need to reserve land for meeting the demand for Small House development and village expansion.
- 11.3 The Site is generally formed with adequate access and infrastructural provisions, which is suitable for village expansion. It covers the majority of land available for Small House development within the “V” zones of Sha Ha. Should the Site be rezoned to “R(B)6”, such available land would reduce significantly from 1.41ha to 0.10ha (-93%), which is equivalent to only four Small House sites. Whilst the reduced land available could meet the outstanding demand (i.e. one outstanding Small House application being processed by DLO/SK, LandsD), there would be limited available land to cater for the long-term demand for Small House development in the area. Therefore, the “V” zoning of the Site is considered appropriate to reserve land for village expansion. Taking into account the above planning circumstances, the applicants fail to provide strong justification to rezone the Site from “V” to “R(B)6” for the proposed non-Small House development.
- 11.4 DLO/SK, LandsD advises that the lot owner would need to apply for a land exchange to effect the subject proposal, but there is no guarantee that the land exchange application would be approved. DLO/SK, LandsD also comments that the Site

which falls within 'VE' is primarily preserved for indigenous villagers to apply for Small House developments; and non-Small House Policy land exchange would not normally be entertained within defined 'VE' and "V" zones for recognized villages in the New Territories.

Land Use Compatibility

- 11.5 The Site is situated in an area with mainly existing and planned residential, village-type, leisure and hotel developments. The proposed residential use is considered not incompatible with the surrounding developments.
- 11.6 From landscape planning perspective, CTP/UD&L, PlanD also advises that the proposed use is considered not entirely incompatible with the surrounding landscape setting and adequate landscape treatments have been proposed in the indicative scheme to improve the overall landscape quality.

Development Intensity and Urban Design

- 11.7 In terms of development intensity, the hotel developments to the north and the south of the Site, as well as the "CDA(1)" site to the west, are subject to maximum PR of 1.5. As such, it is considered that the proposed maximum domestic PR of 1.3 for the Site may not be unacceptable.
- 11.8 The Site is located at the northern gateway into Sai Kung Town and situated at a transition from the more rural mountain backdrop to the low-rise developments fronting Inner Port Shelter. Situated across Wai Man Road is the "CDA(1)" site with valid planning permission allowing residential development with a stepped BH profile from 4 to 10 storeys. CA/CMD2, ArchSD has no adverse comment on the indicative scheme, and CTP/UD&L, PlanD considers that the proposed development, if developed according to the indicative scheme, is not incompatible with the general character of the area, taking into account the existing and committed developments.

Archaeological and Heritage Aspects

- 11.9 The major part of the Site falls within SHSAI where important archaeological remains were yielded, and previous archaeological investigation on the Site confirmed that the Site has very high archaeological potentials. ES(AM), AMO objects in principle to the application as no engineering proposal and archaeological impact assessment have been conducted, and no measures are recommended to duly protect the SAI from the development of the proposed buildings (up to 7-storey buildings with basements). The applicants thus fail to demonstrate that the proposed medium-rise residential developments with basements permissible under the proposed rezoning would not have archaeological impacts on SHSAI.

Proposed Public Vehicle Park

- 11.10 The applicants propose to provide a 35-space PVP at the Site which shall be disregarded from GFA/PR/SC calculations. The applicants claim that the proposed PVP is a much-needed community facility and will share the pressing demand for car parking spaces in anticipation of more visitors in the area. C for T has no comment on the proposed parking provisions, while CBS/NTE2 & Rail, BD has no

in-principle objection to favourably consider disregarding the underground PVP from GFA calculation from buildings perspective.

Technical Aspects

- 11.11 The applicants have submitted various technical assessments including TIA, SIA, DIA, NIA, AQIA and WSIA in support of the application. Concerned departments including C for T, CE/MS, DSD, DEP and CE/C, WSD have no in-principle objection to the application.
- 11.12 DEMS advises that a risk assessment would be required to assess the potential risks in relation to the underground town gas transmission pipeline in the vicinity of the Site (**Plan Z-2a**). Towngas also lodged an objection to the application as a commenter as the Site encroaches upon the strategic trunk main. Besides, DEP requires the applicants to submit a revised NIA and implement the noise mitigation measures identified therein in the future.

Public Comments

- 11.13 There are 1,255 comments in support of the application and 344 opposing comments received during the statutory publication periods of the application. Regarding the view that the application would make good use of vacant land for housing supply, it should be noted that the designation of “V” zone allows residential use by way of the development of Small Houses, but their implementation would rely on private initiatives. As for the other concerns, the departmental comments in paragraph 9 above and the planning assessments in paragraphs 11.1 to 11.12 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reasons:
- (a) the application site falls within an area zoned “Village Type Development” and the ‘village environs’ of Sha Ha. There is no strong planning justification for rezoning the application site from “Village Type Development” to “Residential (Group B)6” to make provision for non-Small House developments. The current “Village Type Development” zone for the application site is considered appropriate and should be retained to reserve land for meeting the demand for Small House development and village expansion; and
 - (b) the applicants fail to demonstrate that the proposed rezoning would not have adverse archaeological impacts on the Sha Ha Site of Archaeological Interest.
- 12.2 Alternatively, should the Committee decide to agree/ partially agree to the application, PlanD would work out the proposed amendments to the OZP, including the zoning boundaries, as well as the development parameters, restrictions and requirements to be set out in the Notes and/or the ES for the Committee’s agreement prior to gazetting under the Ordinance when opportunity arises.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicants.

14. Attachments

Appendix I	Application Form received on 30.12.2020
Appendix Ia	Consolidated Supplementary Planning Statement
Appendix II	Detailed Comments from Government Departments
Appendix III	Public Comments – Samples
Appendix IV	Revised Notes for the “R(B)” Zone Proposed by the Applicants
Appendix IVa	Revised Explanatory Statement Proposed by the Applicants
Drawing Z-1	Land Status Plan
Drawing Z-2	Master Layout Plan
Drawing Z-3	Basement Layout Plan
Drawing Z-4	Ground Floor Layout Plan
Drawing Z-5	Sections
Drawing Z-6	Elevations
Drawing Z-7	Landscape Master Plan (Overall)
Drawing Z-8	Landscape Master Plan (G/F)
Drawing Z-9	Landscape Section
Drawing Z-10	Location Plan of Selected Viewpoints
Drawings Z-11 to Z-14	Photomontages showing the Indicative Scheme at Selected Viewpoints
Drawing Z-15	Bird’s-eyes View of the Indicative Scheme
Plan Z-1	Location Plan
Plans Z-2a & Z-2b	Site Plans
Plan Z-3	Aerial Photo
Plans Z-4a to Z-4c	Site Photos

**PLANNING DEPARTMENT
MAY 2022**